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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,921	01/19/2004	Sheila Bokina	SB-1-gw	4112

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,921	Applicant(s) BOKINA, SHEILA	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 19 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on January 19, 2004 has been received and the references listed thereon have been considered.

Drawings

2. The drawings are objected to because of the following informalities:

In Figure 2, the lower occurrence of numeral 24 is inaccurate and should be changed to --26--; the lead lines for both occurrences of numeral 14 are inaccurate and should be changed so that they indicate the rolls (e.g., see Fig. 1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the housing adapted to contain four rolls as set forth in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

Abstract

4. The abstract of the disclosure is objected to because in line 5, the recitation "tape 14" is inaccurate, and it seems that this occurrence of "14" should be deleted or the like. Appropriate correction is required. See MPEP § 608.01(b).

Specification

5. The disclosure is objected to because of the following informalities:

On page 19, line 8, it seems that "mounted" should be changed to --to which is mounted a-- or the like so that the wall 18 is positively recited; in line 11, "28" is inaccurate and should read --30--; in lines 11-12, the recitation "means for supporting a plurality of tape rolls 14 on spindles 26 with multiple serrated members 20 ..." is unclear as to what is being described, and it seems that "on" should be changed to --including--,

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and it seems that "with" should be changed to --and having-- or the like; in line 13, "master roll" is unclear as to what is being described, and it seems that "master" should be changed to --tape-- or the like; in line 14, "20" is inaccurate and should be changed to --22--, and "22" is inaccurate and should be changed to --24--.

On page 20, line 6, "spaces" is inaccurate, and it seems that it should be changed to --spacer--.

Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claimed terms should be provided and/or numerals associated with the claimed terms should be provided as appropriate; for example, the provision of antecedent basis is required for the many of the claimed terms such as top end, bottom end, side walls, cavity, and notches (e.g., referring to the structure set forth in claim 1, paragraph b).

Claim Rejections - 35 USC § 112

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, the recitation is vague and indefinite as to what is being set forth, and it seems that a comma --,-- is missing after "front edge" or the like; in line 10,

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the recitation "wherein said groove removably secures an article therein" renders the claim vague and indefinite as to what is being set forth, particularly since it is positively defined in terms of an article and it is not clear as to what article is being referred.

In claim 4, line 2, the recitation "is adapted to be pivotally attached" is vague and indefinite as to what is being set forth and as to how the bottom end is "adapted" to perform the recited function and as to whether or not the bottom end is pivotally attached; similarly, in line 3, the recitation "is adapted to be removably locked" is vague and indefinite as to what is being set forth and as to how the top end is "adapted" to perform the recited function.

In claim 6, line 2, the recitation "adjacent the rolls of tape" renders the claim vague and indefinite since the invention is being positively defined in terms of the rolls of tape which are not part of the claimed invention, and one suggestion is to change "rolls of tape" to --spindles-- or the like.

In claim 8, lines 1-2, the recitation "is adapted to contain two rolls of tape" renders the claim vague and indefinite as to how the housing is "adapted" to perform the recited function and as to what structure is implied by this recitation.

In claim 9, lines 1-2, the recitation "is adapted to contain three rolls of tape" renders the claim vague and indefinite as to how the housing is "adapted" to perform the recited function and as to what structure is implied by this recitation.

In claim 10, lines 1-2, the recitation "is adapted to contain four rolls of tape" renders the claim vague and indefinite as to how the housing is "adapted" to perform the recited function and as to what structure is implied by this recitation.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dearwester et al., pn 5,618,008.

Dearwester discloses a dispenser (e.g., in Fig. 5) with every structural limitation of the claimed invention including notches (e.g., the upper portion of 50, 60), wherein each of the notches has a downwardly disposed groove (e.g., the lower portion of 50, 60).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearwester et al., pn 5,618,008.

Dearwester discloses a dispenser (e.g., in Fig. 5) with almost every structural limitation of the claimed invention but lacks (a) serrated edges (claim 2) and lacks (b) a dust cover, particularly one having the claimed configuration (claims 3-5).

Regarding (a), the Examiner takes Official notice that it is old and well known in the art to provide serrated edges on dispensers, particularly dispensers that dispense tissue paper, for various well known benefits including cutting a selected amount of tissue to a desired length. Sigmund, pn 4,872,601 discloses one example of such a dispenser configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide serrated edges on the dispenser of Dearwester for the well known benefits including that described above.

Regarding (b), the Examiner takes Official notice that it is old and well known in the art to provide covers on dispensers, particularly dispensers that dispense tissue paper, for various well known benefits including protecting the tissue paper from contamination such as moisture from adjacent bathroom fixtures. Von Schenk, pn 6,056,233 discloses one example of such a dispenser configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide a cover having the claimed configuration on the dispenser of Dearwester for the well known benefits including that described above.

Allowable Subject Matter

12. Claims 6-11 appear that they would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
June 27, 2005